

## **EXHIBIT 9**

Declaration of  
Plaintiff John Dube

**UNITED STATES DISTRICT COURT**

**DISTRICT OF NEW HAMPSHIRE**

LOCAL 8027, AFT-NEW HAMPSHIRE, AFL-CIO, RYAN )  
RICHMAN, JOHN DUBE and JOCEYLN MERRILL, )  
teachers in the New Hampshire Public Schools, and )  
KIMBERLY GREEN ELLIOTT and MEGHAN EVELYN )  
DURDEN, parents or guardians of children in the New )  
Hampshire public schools. )

Plaintiffs, )

v. )

FRANK EDELBLUT, in his Official Capacity as )  
Commissioner of the DEPARTMENT OF EDUCATION )  
("DOE"), CHRISTIAN KIM in his Official Capacity as the )  
Chair of the NEW HAMPSHIRE COMMISSION ON )  
HUMAN RIGHTS, and JOHN FOMELLA in his Official )  
Capacity as ATTORNEY GENERAL of the State of New )  
Hampshire. )

Defendants. )

Civil No. 1:21-cv-01077-PB

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ANDRES MEJIA, )  
CHRISTINA KIM PHILIBOTTE, and )  
NATIONAL EDUCATION ASSOCIATION-NEW )  
HAMPSHIRE, )

Plaintiffs, )

v. )

FRANK EDELBLUT, in his official capacity only as the )  
Commissioner of the New Hampshire Department of )  
Education, )

JOHN M. FORMELLA, in his official capacity only as the )  
Attorney General of the State of New Hampshire, )

AHNI MALACHI, in her official capacity only as the )  
Executive Director of the New Hampshire Commission for )  
Human Rights, )

CHRISTIAN KIM, in his official capacity )  
only as the Chair of the New Hampshire Commission for )  
Human Rights, )

KEN MERRIFIELD, in his official capacity only as the )  
Commissioner of the Department of Labor, )

Defendants. )

**DECLARATION OF JOHN DUBE**

I, John Dube, pursuant to 28 U.S.C. § 1746, depose and say as follows:

1. I was a U.S. History teacher in New Hampshire public schools for 38 years. For 34 of those years, I taught in the Timberlane School District.

2. Most recently, I was a high school history teacher at Timberlane Regional High School, teaching U.S. History and Advanced Placement (AP) U.S. History.

3. From 2000-2005, I was the History Department Chair at Timberlane Regional High School.

4. Throughout my career I worked on writing the U.S. History curriculum, both for Timberland Regional High School as well for the entire district.

5. As a history teacher, I have always encouraged my students to debate and learn, to inquire and analyze, and to learn from our history and compare it to our current world circumstances. History is about patterns and parallels.

6. Allowing students to debate topics such as woman's suffrage, affirmative action, reparations and the criminal justice system is vital to understanding the impact of our nation's past on our present. It is also instrumental in fostering critical thinking for our students and creating a full and robust exchange of ideas in our classroom.

7. Shortly before and after HB2 ("the Divisive Concepts Law") was passed in June 2021, I read about the legislation in some of the local news outlets. Needless to say, I was troubled.

8. I also reviewed the language of the statute, and the prohibited concepts, which I continue to find hopelessly vague. It seemed to me that the statute is a "word salad." I did not understand (and still do not understand), what is and is not prohibited.

9. I did not receive any clarifying guidance from my school district as to what could and could not be taught in my U.S. History courses after the Divisive Concepts Law was passed.

10. Yet, the consequences of such a difficult to understand and abstract law, particularly without appropriate clarifying guidance on what content is proscribed, are very concrete for public school teachers in New Hampshire.

11. For me, and teachers like me teaching U.S. History, a vague statute like the Divisive Concepts Law, and the risk of potentially losing my license, has chilled important discussions of in the classroom.

12. In the Spring of 2021, because I felt the new law hindered my ability to teach U.S. History as I had for 38 years, I signed an online petition created by the Zinn Project that was circulated to me in which I promised to teach “honest” history.

13. By the start of the next school year, I learned that a political group in New Hampshire published the names of all of the teachers in New Hampshire who had signed the pledge.

14. Shortly thereafter, I was subject to severe online harassment, threats and obscenities.

15. For example, I received a text message that read “Whats up homo? I heard your teaching Marxist commie CRT in your classrooms...You can fuck right off you garbage human!”

16. Facebook posts directed at me contained similar obscenities and threats.

17. Shortly after Labor Day, the Plaistow Police Department came to my house. They were sent by the FBI in response to the threats I was receiving. The Police Department explained that right-wing groups had been targeting the teachers who signed the online pledge.

18. The Police Department sent patrols by our house periodically for a few weeks, and we were forced to install security cameras and safety equipment at our home in light of the threats.

19. My wife and I feared for our personal safety, particularly because my wife works from home.

20. I finished the 2021-2022 school year at Timberlane Regional High School, but decided to retire at the end of the year, despite feeling that I have more to give to my students.

21. In light of the Divisive Concepts Law and the climate of political intimidation created by it, I did not feel I could teach in New Hampshire any longer.

22. I also did not feel I could live in New Hampshire any longer. My wife and I moved to another community in Vermont.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 14th day of August, 2023

*/s/ John Dube*

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John Dube